

MATTER OF STANLAKE
In Exclusion Proceedings

A-14248767

Decided by Board December 19, 1969, as modified March 20, 1970

In the absence of persuasive evidence that he did not intend to renounce his United States citizenship, applicant who in 1946 was voluntarily naturalized in Canada and took an oath of allegiance to that country (even though there was no oath of renunciation of U.S. citizenship) thereby transferred his allegiance which resulted in a loss of United States citizenship under section 401(a) of the Nationality Act of 1940.

EXCLUDABLE: Act of 1952—Section 212(a)(20) [8 U.S.C. 1182(a)(20)]—Immigrant without immigrant visa.

ON BEHALF OF APPLICANT:

Marie M. Donohoe, Esquire
217 Lyon Building
607 Third Avenue
Seattle, Washington 98104
(Memorandum filed)

ON BEHALF OF SERVICE:

Irving A. Appleman
Appellate Trial Attorney
(Memorandum filed)
B. G. Greenwald
Trial Attorney
(Brief filed)

The special inquiry officer certified his order finding the applicant an alien and excluding him as an immigrant without a visa. We shall make no change in his order.

The issue is whether the applicant's naturalization in Canada caused him to lose United States citizenship. The applicant contends expatriation did not result because he became naturalized in the belief he had to acquire Canadian citizenship in order to obtain a job as a forest ranger. He states that he did not intend to renounce United States allegiance when he became naturalized. The special inquiry officer found the applicant voluntarily became naturalized, and his assumption of Canadian allegiance was inconsistent with retention of allegiance to the United States.

The applicant, a 53-year-old male, was born in the United States. When he was about two years old, his mother, a Canadian national, took him to Canada. He remained in Canada, except for a year spent in the United States in 1936. He served in the Cana-